

January 14, 2004

The Honorable H. Charles Royce, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 1284, relative to setbacks from wetlands

Dear Chairman Royce:

Thank you for the opportunity to comment on HB 1284, which would define wetlands, establish minimum statewide setbacks for activities conducted near jurisdictional wetlands, and prohibit municipalities from adopting more stringent standards.

Relative to the first portion of the bill (*The rules shall define "wetland"...*), current administrative rules contain a definition of wetlands (Wt 101.88) and therefore DES believes that the intent of this proposed legislation has been met. However, as you may know, HB 1148 proposes to add a definition of wetlands to RSA 482-A. DES will testify on this bill later today stating its belief that if HB 1148 were to be adopted with the suggested amendment, this portion of HB 1284 would not be necessary.

Relative to the remainder of the bill, the state currently does not regulate non-wetland areas (i.e. setbacks) under RSA 482-A. Rather, individual municipalities have the power through zoning and land use regulations to adopt setbacks from wetlands and regulate activities within those setbacks. Mandating DES to adopt such setbacks and regulate such activities would place an additional, significant burden on limited program resources by requiring DES to develop and adopt additional administrative rules and then commit resources to permitting and enforcing activities within the setbacks established. For these reasons, DES does not support HB 1284 as proposed.

Thank you for this opportunity to comment. Please call either me at 271-3503 or Collis Adams at 271-4054 if you have any questions or need additional information.

Very truly yours,

Michael P. Nolin
Commissioner

cc: Representative W. Packy Cambell